IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3614 of 2005

Between:

1 Juredla Samudram, W/o. Naidu,
R/o. 14-15-4/3, Bapuji Nagar, Peda Gantyada,
Visakhapatnam.
2 Bodu Devudamma, W/o. Atchibabu,
R/o. 14-15-4/3, Bapuji Nagar, Peda Gantyada,
Visakhapatnam.

..... PETITIONERS

AND

1 The Gajuwaka Municipality, rep. by its Commissioner,
Gajuwaka Municipality, Visakhapatnam.
2 The Mandal Revenue Officer, Peda Gantyada Mandal,
Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in attempting to demolish the petitioners house Dr.No. 14-15-4/3 and the 2nd petitioner house with S.C. No. 10253 in 14th ward, Bapuji Nagar Colony, Pedagantyada Municipality which are existing for the last 25 and 15 years respectively without serving any notice, without conducting any enquiry, without passing any order and without affording us an opportunity of being heard as illegal, arbitrary, unjust and against the principles of natural justice and consequently direct the respondent no to demolish the petitioners houses.

Counsel for the Petitioners:MR.K.SARVA BHOUMA RAO

Counsel for the Respondent No.1: MR.DANTU.SRINIVAS

Counsel for the Respondent No.2 : G.P FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

This writ petition is filed seeking a declaration that the alleged action of the respondents in attempting to demolish the houses of the petitioners situated in ward No.14, Bapuji Nagar colony, Pedagantyada Municipality, without there being any justifiable reason, is arbitrary and illegal.

Having heard learned counsel for the petitioners and learned Standing Counsel appearing for the respondent-Municipality and keeping in view the specific plea of the petitioners that they were not served with any prior notice by the respondents, the writ petition is disposed of with a direction to the respondents not to interfere with the possession of the petitioners in respect of the houses in question without following due process of law. No costs.

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28.02.2005

Note : Issue operative portion

by wire at partys' cost.

(B/O)

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To

1 The Gajuwaka Municipality, rep. by its Commissioner, Gajuwaka Municipality, Visakhapatnam.
2 The Mandal Revenue Officer, Peda Gantyada Mandal, Visakhapatnam.

3 Two C.Cs to the G.P. for Revenue, High Court Buildings, Hyderabad.

4 2 CD copies